

# House Calendar No. 170

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 1031

[Report No. 111–427]

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2010

Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ) submitted the following resolution; which was referred to the Committee on the Judiciary

MARCH 4, 2010

Referred to the House Calendar and ordered to be printed

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# RESOLUTION

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

1       *Resolved*, That G. Thomas Porteous, Jr., a judge of  
2 the United States District Court for the Eastern District  
3 of Louisiana, is impeached for high crimes and mis-

1   demeanors, and that the following articles of impeachment  
2   be exhibited to the Senate:

3       Articles of impeachment exhibited by the House of  
4   Representatives of the United States of America in the  
5   name of itself and all of the people of the United States  
6   of America, against G. Thomas Porteous, Jr., a judge in  
7   the United States District Court for the Eastern District  
8   of Louisiana, in maintenance and support of its impeach-  
9   ment against him for high crimes and misdemeanors.

10                                   ARTICLE I

11       G. Thomas Porteous, Jr., while a Federal judge of  
12   the United States District Court for the Eastern District  
13   of Louisiana, engaged in a pattern of conduct that is in-  
14   compatible with the trust and confidence placed in him  
15   as a Federal judge, as follows:

16       Judge Porteous, while presiding as a United States  
17   district judge in *Lifemark Hospitals of Louisiana, Inc. v.*  
18   *Liljeberg Enterprises*, denied a motion to recuse himself  
19   from the case, despite the fact that he had a corrupt finan-  
20   cial relationship with the law firm of Amato & Creely, P.C.  
21   which had entered the case to represent Liljeberg. In de-  
22   nying the motion to recuse, and in contravention of clear  
23   canons of judicial ethics, Judge Porteous failed to disclose  
24   that beginning in or about the late 1980s while he was  
25   a State court judge in the 24th Judicial District Court  
26   in the State of Louisiana, he engaged in a corrupt scheme

1 with attorneys, Jacob Amato, Jr., and Robert Creely,  
2 whereby Judge Porteous appointed Amato's law partner  
3 as a "curator" in hundreds of cases and thereafter re-  
4 quested and accepted from Amato & Creely a portion of  
5 the curatorship fees which had been paid to the firm. Dur-  
6 ing the period of this scheme, the fees received by Amato  
7 & Creely amounted to approximately \$40,000, and the  
8 amounts paid by Amato & Creely to Judge Porteous  
9 amounted to approximately \$20,000.

10 Judge Porteous also made intentionally misleading  
11 statements at the recusal hearing intended to minimize the  
12 extent of his personal relationship with the two attorneys.  
13 In so doing, and in failing to disclose to Lifemark and  
14 its counsel the true circumstances of his relationship with  
15 the Amato & Creely law firm, Judge Porteous deprived  
16 the Fifth Circuit Court of Appeals of critical information  
17 for its review of a petition for a writ of mandamus, which  
18 sought to overrule Judge Porteous's denial of the recusal  
19 motion. His conduct deprived the parties and the public  
20 of the right to the honest services of his office.

21 Judge Porteous also engaged in corrupt conduct after  
22 the Lifemark v. Liljeberg bench trial, and while he had  
23 the case under advisement, in that he solicited and accept-  
24 ed things of value from both Amato and his law partner  
25 Creely, including a payment of thousands of dollars in

1 cash. Thereafter, and without disclosing his corrupt rela-  
2 tionship with the attorneys of Amato & Creely PLC or  
3 his receipt from them of cash and other things of value,  
4 Judge Porteous ruled in favor of their client, Liljeberg.

5 By virtue of this corrupt relationship and his conduct  
6 as a Federal judge, Judge Porteous brought his court into  
7 scandal and disrepute, prejudiced public respect for, and  
8 confidence in, the Federal judiciary, and demonstrated  
9 that he is unfit for the office of Federal judge.

10 Wherefore, Judge G. Thomas Porteous, Jr., is guilty  
11 of high crimes and misdemeanors and should be removed  
12 from office.

13 ARTICLE II

14 G. Thomas Porteous, Jr., engaged in a longstanding  
15 pattern of corrupt conduct that demonstrates his unfitness  
16 to serve as a United States District Court Judge. That  
17 conduct included the following: Beginning in or about the  
18 late 1980s while he was a State court judge in the 24th  
19 Judicial District Court in the State of Louisiana, and con-  
20 tinuing while he was a Federal judge in the United States  
21 District Court for the Eastern District of Louisiana,  
22 Judge Porteous engaged in a corrupt relationship with bail  
23 bondsman Louis M. Marcotte, III, and his sister Lori  
24 Marcotte. As part of this corrupt relationship, Judge  
25 Porteous solicited and accepted numerous things of value,  
26 including meals, trips, home repairs, and car repairs, for

18           Accordingly, Judge G. Thomas Porteous, Jr., has en-  
19 gaged in conduct so utterly lacking in honesty and integ-  
20 rity that he is guilty of high crimes and misdemeanors,  
21 is unfit to hold the office of Federal judge, and should  
22 be removed from office.

23 ARTICLE III

1 Louisiana, G. Thomas Porteous, Jr., engaged in a pattern  
2 of conduct inconsistent with the trust and confidence  
3 placed in him as a Federal judge by knowingly and inten-  
4 tionally making material false statements and representa-  
5 tions under penalty of perjury related to his personal  
6 bankruptcy filing and by repeatedly violating a court order  
7 in his bankruptcy case. Judge Porteous did so by—

8           (1) using a false name and a post office box ad-  
9       dress to conceal his identity as the debtor in the  
10      case;

11           (2) concealing assets;

12           (3) concealing preferential payments to certain  
13      creditors;

14           (4) concealing gambling losses and other gam-  
15      bling debts; and

16           (5) incurring new debts while the case was  
17      pending, in violation of the bankruptcy court's order.

18      In doing so, Judge Porteous brought his court into  
19 scandal and disrepute, prejudiced public respect for and  
20 confidence in the Federal judiciary, and demonstrated that  
21 he is unfit for the office of Federal judge.

22      Wherefore, Judge G. Thomas Porteous, Jr., is guilty  
23 of high crimes and misdemeanors and should be removed  
24 from office.

## ARTICLE IV

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2       In 1994, in connection with his nomination to be a  
3 judge of the United States District Court for the Eastern  
4 District of Louisiana, G. Thomas Porteous, Jr., knowingly  
5 made material false statements about his past to both the  
6 United States Senate and to the Federal Bureau of Inves-  
7 tigation in order to obtain the office of United States Dis-  
8 trict Court Judge. These false statements included the fol-  
9 lowing:

10           (1) On his Supplemental SF-86, Judge  
11 Porteous was asked if there was anything in his per-  
12 sonal life that could be used by someone to coerce  
13 or blackmail him, or if there was anything in his life  
14 that could cause an embarrassment to Judge  
15 Porteous or the President if publicly known. Judge  
16 Porteous answered “no” to this question and signed  
17 the form under the warning that a false statement  
18 was punishable by law.

19           (2) During his background check, Judge  
20 Porteous falsely told the Federal Bureau of Inves-  
21 tigation on two separate occasions that he was not  
22 concealing any activity or conduct that could be used  
23 to influence, pressure, coerce, or compromise him in  
24 any way or that would impact negatively on his  
25 character, reputation, judgment, or discretion.

1           (3) On the Senate Judiciary Committee's  
2       "Questionnaire for Judicial Nominees", Judge  
3       Porteous was asked whether any unfavorable infor-  
4       mation existed that could affect his nomination.  
5       Judge Porteous answered that, to the best of his  
6       knowledge, he did "not know of any unfavorable in-  
7       formation that may affect [his] nomination". Judge  
8       Porteous signed that questionnaire by swearing that  
9       "the information provided in this statement is, to  
10      the best of my knowledge, true and accurate".

11      However, in truth and in fact, as Judge Porteous  
12      then well knew, each of these answers was materially false  
13      because Judge Porteous had engaged in a corrupt rela-  
14      tionship with the law firm Amato & Creely, whereby Judge  
15      Porteous appointed Creely as a "curator" in hundreds of  
16      cases and thereafter requested and accepted from Amato  
17      & Creely a portion of the curatorship fees which had been  
18      paid to the firm and also had engaged in a corrupt rela-  
19      tionship with Louis and Lori Marcotte, whereby Judge  
20      Porteous solicited and accepted numerous things of value,  
21      including meals, trips, home repairs, and car repairs, for  
22      his personal use and benefit, while at the same time taking  
23      official actions that benefitted the Marcottes. As Judge  
24      Porteous well knew and understood, Louis Marcotte also  
25      made false statements to the Federal Bureau of Investiga-



1 tion in an effort to assist Judge Porteous in being ap-  
2 pointed to the Federal bench. Judge Porteous's failure to  
3 disclose these corrupt relationships deprived the United  
4 States Senate and the public of information that would  
5 have had a material impact on his confirmation.

6       Wherefore, Judge G. Thomas Porteous, Jr., is guilty  
7 of high crimes and misdemeanors and should be removed  
8 from office.

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11<sup>TH</sup> CONGRESS  
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